

HON'BLE SRI G.S. SINGHVI, THE CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE G. V. SEETHAPATHY

WRIT PETITION No. 14355 OF 2006

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Between:

Vempati Srihari,

.....Petitioner

And

The State Election Commissioner, A.P.,
3rd floor, Budda Bhavan, M.G.Road
Secunderabad and three others.

.....Respondents

:: ORDER ::

Counsel for the Petitioner : Sri C. Pratapreddy

Counsel for Respondent No.1 : Sri V.V.Prabhakar Rao

Counsel for Respondent Nos.2 to 4: Government Pleader for
Panchayat Raj and Rural
Development.

Dated: 14-07-2006

Per G.S. SINGHVI, CJ

In this petition filed in the name of public interest litigation, Sri Venpati Srihari has prayed for quashing the decision of the State Election Commission (for short 'the Commission') to reserve the office of Sarpanch of Jawahar Nagar Gram Panchayat, Shameerpet Mandal, Ranga Reddy District for Backward Class (Lady).

In the affidavit filed by him, the petitioner has averred that after coming into force of the Andhra Pradesh Panchayat Raj Act, 1994 (for short 'the Act'), the office of Sarpanch of Jawahar Nagar Gram Panchayat was first reserved in 1995 for Backward Class (General).

In 2001, the same was reserved for General category and now it has been reserved for Backward Class (Lady). His contention is that the reservation made in favour of Backward Class (Lady) is violative of the provisions contained in G.O.Ms.No.140 dated 20-4-2001 issued by the Panchayat Raj and Rural Development (Election) Department. In para 6 of his affidavit, the petitioner has averred that as per the rules framed in 2001, the office of Sarpanch should have been reserved for Scheduled Caste category, but in clear violation thereof, the same has been reserved for Backward Class (Lady).

We have heard learned counsel for the petitioners and perused the record. In our opinion, the writ petition is wholly meritless and is liable to be dismissed summarily because –

- i) the petitioner has not been able to substantiate his locus to file the writ petition. In paragraph 1 of his affidavit, the petitioner has described himself as a social worker, but he has not produced any tangible evidence about the social work done by him. It is also not the petitioner's case that he is a candidate for election to the office of Sarpanch of Gram

Panchayat, Jawahar Nagar, which has been reserved for Backward Class (Lady);

- ii) The petitioner has failed to show how the reservation of the office of Sarpanch, Jawahar Nagar Gram Panchayat is contrary to the provisions of the Act or the rules framed thereunder. Section 15 of the Act, which provides for reservation, reads as under:

“15. Reservation of office of Sarpanch:

(1) Out of total number of offices of Sarpanch in the State, the Commissioner shall, subject to such rules as may be prescribed, by notification reserve,

(a) such number of offices to the Scheduled Castes and Scheduled Tribes as may be determined by him, subject to the conditions that the number of offices so reserved shall bear, as nearly as may be, the same proportion to the total number of offices to be filled in the State as the population of the Scheduled Castes or as the case may be Scheduled Tribes in the State bears to the total population of the State; and such seats may be allotted by rotation to different Gram Panchayats in the State;

(b) [x x x x x]

(c) not less than one third of the total number of offices reserved under Clause (a) and sub section (2) for women belonging to the Scheduled Castes, Scheduled Tribes, or as the case may be, Backward Classes; and

(d) not less than one third (including the number of offices reserved for women belonging to the Scheduled Castes, Scheduled Tribes and the Backward Classes) of the total number of offices to be filled in the State; for women; and such offices may be allotted by rotation to different Gram Panchayats in the State.

(2) In addition to the reservation of offices of Sarpanch

under sub section (1), there shall be reserved for the Backward Classes such number of Offices of Sarpanch as may be allocated to them in each mandal in the manner prescribed; so however, that the number of Offices of Sarpanchas in the State reserved for Backward Classes shall not be less than thirty four percent of the total number of offices of Sarpanchas of Gram Panchayats in the State. The number of offices of Sarpanchas allocated for reservation to each Mandal shall be allotted by rotation to different Gram Panchayats in the Mandal:

Provided that it shall be competent for the Government to make special provision with regard to the manner and quantum of seats to be reserved for Backward Classes in the Gram Panchayats situated in the Scheduled areas, by rules made in this behalf.”

In exercise of the power vested in it under Section 268 read with Section 15 of the Act, the State Government has framed Rules of 2006. Rule 7 of these rules provides for reservation for the office of Sarpanch, keeping in view the population of different communities. The petitioner has neither pleaded nor has any evidence been brought on the record of the case to show that the reservation of the office of Sarpanch, Jawahar Nagar Gram Panchayat has been made in violation of Rule 7 of the 2006 Rules. Therefore, we do not find any valid ground or justification to entertain the petitioner's prayer.

In the result, the writ petition is dismissed.

G.S.SINGHVI, CJ

Dt.14.07.2006

G.V.SEETHAPATHY, J

SVS